

JUDGE COTE

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08 CV 03321

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF NEW YORK

RESEARCH IN MOTION LIMITED,

Plaintiff,

-against-

MOFTWARE LLC, AMZER, PINAKIN
 DINESH, JOHN DOES 1-50; and XYZ
 BUSINESSES,

Defendants.

CIVIL ACTION NO. _____

COMPLAINT

(JURY TRIAL DEMANDED)

FILED UNDER SEAL

U.S. DISTRICT COURT
 S.D.N.Y.
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 FILED

Research In Motion Limited ("RIM") by its undersigned attorneys for its complaint against defendants Moftware LLC ("MOFTWARE"), AMZER, and Pinakin Dinesh ("DINESH"), JOHN DOES 1-50, and XYZ BUSINESSES (collectively "Defendants") alleges as follows:

NATURE OF THE ACTION

1. This case involves the manufacture, sale and distribution of counterfeit, infringing, and diluting batteries for RIM's BLACKBERRY handheld device product line and the unauthorized registration of domain names that infringe the famous BLACKBERRY trademark. The Defendants' products may pose a risk to the public's health and safety. RIM is the designer, manufacturer and marketer of the world-renowned, high-quality innovative wireless

BLACKBERRY handheld devices, including accessories and services related thereto. Upon information and belief, Defendants acting in concert own and operate a number of websites including without limitation, www.moftware.com, www.amzer.com, www.fommy.com, www.blackberryking.com, www.mycellworld.com where RIM's BLACKBERRY trademarks are impermissibly used to market and sell the offending batteries (collectively, the "Infringing Websites"). In addition, Defendants acting in concert have registered at least fourteen Internet domain names: <blackberryking.com>, <blackberrystuff.com>, <123blackberry.com>, <blackberryaccessories.biz>, <blackberryaccessories.info>, <blackberryalive.co.uk>, <blackberryalive.com>, <blackberrycharger.com>, <blackberrycradle.com>, <blackberrydistributor.com>, <blackberryreseller.com>, <blackberrysoftwares.com>, <blackberrysources.com>, and <blackberrystreet.com> (collectively, the "Infringing Domains"). These websites incorporate, in whole or in part, RIM's registered "BlackBerry" trademark without authorization, along with generic, descriptive terms to create the false impression that Defendants are either a subsidiary, affiliate, or otherwise authorized distributors or sellers of RIM products.

2. As such, RIM seeks injunctive and monetary relief against Defendants for: (a) federal trademark counterfeiting under 15 U.S.C. § 1114; (b) federal trademark infringement under § 1114; (c) federal false description and false designation of origin in commerce under 15 U.S.C. § 1125; (d) federal false advertising under 15 U.S.C. § 1125; (e) federal trade dress infringement under 15 U.S.C. § 1125; (f) federal trademark dilution under 15 U.S.C. § 1125; (g) federal trade dress dilution under § 1125; (h) New York dilution of trademark and injury to business reputation under New York General Business Law § 360-l; (i) New York dilution of trade dress under New York General Business Law § 360-l; (j) deceptive trade practices under

New York General Business Law § 349; (k) unfair competition under the common law of the State of New York; (l) unjust enrichment under the laws of the State of New York; and (m) cybersquatting under the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1338, and 1367 and general principles of ancillary and pendent jurisdiction.

4. This Court has personal jurisdiction over Defendants because they conduct business in the State of New York. At a minimum, Defendants operate the interactive “Infringing Websites” where Defendants do business with New York residents over the Internet by directing sales and marketing efforts through the Internet to New York residents, accepting merchandise orders from New York residents, and distributing merchandise including products at issue directly to New York residents in the State of New York.

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391.

PARTIES

6. Research In Motion Ltd. is a corporation organized and existing under the laws of the province of Ontario, Canada, having its principal place of business at 295 Phillip Street, Waterloo, Ontario, Canada N2L 3W8.

7. Upon information and belief, defendant MOFTWARE, LLC is a Virginia corporation with a principal place of business at 648 South Pickett St., Alexandria, Virginia 22304.

8. Upon information and belief, defendant AMZER is an Indian business entity that is an alias, agent and/or affiliate of MOFTWARE, with a place of business at 12610 West Airport Blvd., Suite 120, Sugar Land, Texas 77478.

9. Upon information and belief, defendant PINAKIN DINESH, is an individual residing in Virginia, with a place of business at 648 South Pickett St., Alexandria, Virginia 22304. Upon information and belief, Mr. Dinesh is the founder and current Chief Executive Officer of both MOFTWARE and AMZER, and controls, manages and operates the activities of both MOFTWARE and AMZER.



10. John Does and XYZ Businesses are individuals and business entities who participated in the manufacture, sale or distribution of the counterfeit, infringing and diluting batteries. The identities of the various John Doe and XYZ Businesses are not presently known. To the extent their identities become known to RIM, those defendants will be joined and the acts in which they engaged will be pled in an amended complaint.

RIM'S TRADEMARKS AND TRADE DRESS

11. RIM is a leading designer, manufacturer and marketer of innovative wireless solutions for the worldwide mobile communications market. Through the development of integrated hardware, software and services that support multiple wireless network standards, RIM provides platforms and solutions for seamless access to time-sensitive information including email, telephone, text messaging, Internet and intranet-based applications. RIM technology also enables a broad array of third party developers and manufacturers to enhance their products and services with wireless connectivity to data.

12. RIM's portfolio of award-winning products, services and embedded technologies are used by thousands of organizations throughout the world and include the BLACKBERRY wireless platform and the RIM handheld product line. RIM's handheld BLACKBERRY products are powered by RIM's proprietary batteries.

13. RIM owns numerous trademarks identifying its BLACKBERRY handheld product line and products and services related thereto, including without limitation, the following U.S. federal registrations:

<i>RIM U.S. REGISTRATION/APPLICATION NO.</i>	<i>RIM TRADEMARK</i>
Reg. No. 1982049, 2822521	RIM
Reg. No. 2036380, 2833837	RESEARCH IN MOTION
Reg. No. 2402763, 2678454	BLACKBERRY
Reg. Nos. 2672464, 2700671, 2844340	BLACKBERRY
Reg. No. 3102687	
Reg. Nos. 3105797, 3240231	

(These marks are collectively referred to herein as the "BLACKBERRY Trademarks"). (True and correct copies of the certificates of registration for the BLACKBERRY Trademarks are attached hereto as Exhibit A).

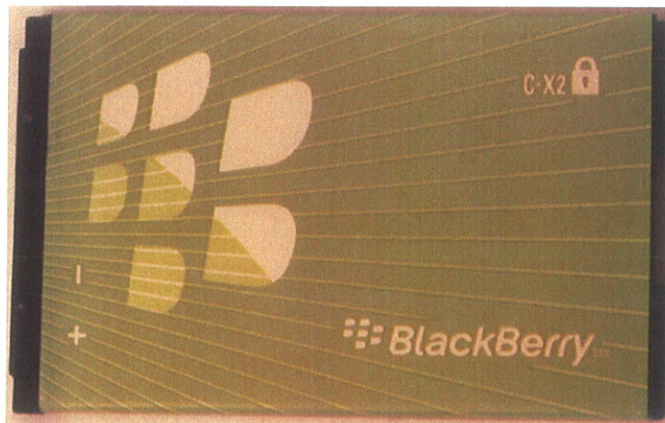
14. RIM is also the owner of the following trademark:



The BLACKBERRY Alliance Member trademark ("BLACKBERRY Alliance Member Trademark") identifies authorized product vendors and solution providers who are part of a community supported by RIM.

15. RIM's proprietary BLACKBERRY batteries include distinctive trade dress including that depicted and described below.

16. An example of the BlackBerry 8800 Series C-X2 is:



The trade dress for the BlackBerry 8800 Series C-X2 Battery consists of, among other elements, a rectangular battery featuring a label having:

- a rayed background comprised of thick and thin lines, where: the thick lines are of a uniform dark shade of green (PANTONE® 584 C) and the thin lines are of a uniform light shade of green (PANTONE 584 C); and the lines appear to originate at a

common nucleus off the left side of the battery and diverge across the battery from left to right in an expanding sunburst-style pattern;

- the registered RIM Logo on the left side comprised of a pattern of seven semi-circular rectangular shapes (Registration Nos. 3105797 and 3240231) (hereinafter “RIM Logo”) where: two of the bottom shapes are shaded in the light shade of green (PANTONE 584 C) with thin white lines superimposed; and three of the middle shapes are partially shaded in the light shade of green (PANTONE 584 C) with thin white lines superimposed, and the top two shapes are white;
- the registered RIM trademark on the bottom right-hand side comprising the RIM Logo followed by “BlackBerry” (Registration No. 3102687); and
- the term “C-X2” on the top right hand-side followed by a white silhouette icon of a lock.

17. The total overall impression of the battery constitutes the BLACKBERRY Trade Dress and distinguishes the RIM BLACKBERRY battery from the products of others.

18. The BLACKBERRY Trade Dress and BLACKBERRY Trademarks are well known, associated with RIM, and inherently distinctive.

19. With millions of wireless subscribers worldwide, RIM's BLACKBERRY Wireless handheld product line has become one of the most well-known and successful of all wireless handheld product lines in the market.

20. RIM extensively promotes its products through the United States. Since FY 2005, in the United States alone, RIM has sold in excess of 16 million BLACKBERRY wireless handheld devices having genuine RIM batteries bearing the BLACKBERRY Trade Dress

(including BLACKBERRY Trademarks). Typically, the consumer must install the battery. RIM also sells replacement batteries bearing the BLACKBERRY Trade Dress through accessory sales channels including US carrier partners such as T-Mobile, Verizon, AT&T, Sprint and others as well as directly from RIM at www.shopblackberry.com.

21. As a result, RIM's BLACKBERRY brand bearing BLACKBERRY Trademarks and BLACKBERRY Trade Dress has become one of the most recognized and respected brands in the industry. The brand's growing recognition and respect was recognized by the *INDEX OF CANADA'S MOST VALUABLE BRANDS OF 2007*, and in Landor Associates and Stern Stewart's *BRANDECONOMICS® TOP TEN BREAKAWAY BRANDS FOR 2007*.

22. Since 2004, RIM has spent more than \$ 180 million advertising and promoting the BLACKBERRY Trademarks and Trade Dress in the United States, achieving total worldwide sales for all products bearing the BLACKBERRY Trademarks in excess of \$ 1.8 Billion in F& 2007 in the United States.

23. As a result of RIM'S extensive use of the RIM BLACKBERRY Trademarks and Trade Dress, separately and jointly, in this judicial district and elsewhere in the United States, RIM has acquired extremely valuable rights in the BLACKBERRY Trademarks and Trade Dress, and the goodwill associated with each of them. People throughout the world recognize products bearing BLACKBERRY Trademarks and/or Trade Dress as containing high quality products made and distributed by RIM.

24. RIM has engaged and continues to engage in interstate activities designed to promote BLACKBERRY Trademarks and Trade Dress and the business and goodwill associated with each of its marks, trade dress, logos and property in the State of New York and throughout the United States.

DEFENDANTS' ACTIVITIES AND OFFENDING PRODUCTS

25. Defendants are improperly profiting from RIM's substantial investment in its BLACKBERRY Trademarks and Trade Dress, and reputation by incorporating, in whole and in part, RIM's BLACKBERRY Trademarks and Trade Dress on hazardous counterfeit, infringing and diluting batteries and into the Infringing Websites to impermissibly misdirect the public to the offending batteries. Thus, Defendants are simultaneously trading off the goodwill RIM has built in the BLACKBERRY Trademarks and Trade Dress, and reducing the value of that goodwill by improperly counterfeiting and associating the RIM name and BLACKBERRY Trademarks and Trade Dress with their own goods. As a result, the value of RIM's BLACKBERRY Trademarks and Trade Dress has been diminished, and consumers are likely to be misled, confused and deceived.

26. MOFTWARE is in the business of marketing and selling wireless devices and accessories through its interactive Infringing Websites. The MOFTWARE "About Us" webpage explains that:

Moftware is a multi-national company with operations in North America, Europe, and Asia. The company's four divisions – retail, wholesale & distribution, manufacturing, and services – all focus on providing the best products available in the market today for the wireless sector. This makes Moftware very well positioned towards further growth in the industry and sets us apart from our competitors since no other company has such an infrastructure in place.

The team at Moftware consists of over 100 dedicated employees, who work to ensure that each customer has the best product selection, accurate order fulfillment, and 24/7 customer care and technical support.

(A true and correct copy of the MOFTWARE "About Us" webpage dated April 1, 2008 is attached hereto as Exhibit B).

27. MOFTWARE owns and operates AMZER which manufactures wireless accessories and gadgets. The MOFTWARE "About Us" webpage explains that:

Amzer manufactures wireless accessories and gadgets. We started out by creating a small line of carefully designed products that are full of advanced features with contemporary styling. Over the past couple of years we have seen amazing growth and a fan base has developed for our product line. As a result we continue to forge ahead and develop new and exciting accessories where there is market demand.

28. Upon information and belief, PINAKIN DINESH is the founder and current Chief Executive Officer of both MOFTWARE and AMZER.

29. MOFTWARE owns and operates the website FOMMY.COM which is MOFTWARE's retail channel specializing in wireless devices and accessories. The MOFTWARE "About Us" webpage explains that:

We have a range of diversified online stores specializing in wireless devices and accessories powered by Mofware. Our primary retail channel, Fommy.com, The Wireless Superstore, is a one-stop-shop for all the latest wireless products featuring everything from the latest Bluetooth to Software and even top of the line MP3 accessories.

We are also proud to serve all major government & military agencies and over 85% of Fortune 500 companies through our corporate and government sales program. Customized product solutions are delivered daily by our team of knowledgeable experts. In addition, many large government agencies and corporations take advantage of our Corporate Access Program enabling them to order products via specially customized website integrated through their IT infrastructures.

30. MOFTWARE owns and operates the website BLACKBERRYKING.COM which is a retail channel specializing in wireless devices and accessories.

31. MOFTWARE owns all the Infringing Websites, and Defendants, in concert, operate the Infringing Websites where they impermissibly use RIM's BLACKBERRY trademarks to market and sell batteries intended for use with the RIM BLACKBERRY handheld line of products.

32. Among the items offered for sale on the Infringing Websites are the following purported BLACKBERRY batteries:

INFRINGING WEBSITE	BATTERY MODEL	BATTERY DESCRIPTION
<p>www.amzer.com www.fommy.com www.blackberryking.com</p>	<p>"Blackberry® 8800 Battery with ASP™ Technology" \$ 29.95</p>	<p>"Extend your talk time with this battery with ASP Technology for your Blackberry Smartphone. It can be recharged in your device or in the cradle and it comes with built-in overcharging protection so there is no need to worry about overcharging. The battery is the same size as the standard battery, and provides approximately 20% longer talk and standby time.</p> <p>COMPATIBILITY</p> <p>Blackberry 8800 Blackberry 8800c Blackberry 8800r Blackberry 8820 Blackberry 8830"</p>
<p>www.fommy.com</p>	<p>"BlackBerry 8800 Extended Battery 1800mAh with Battery Door - Silver" \$ 69.95</p>	<p>"Don't leave home without the new extra extended BlackBerry 8800 lithium ion battery. This battery will definitely last longer than your standard battery so no need to carry spares around. Extended lithium ion battery for the BlackBerry 8800, 3.7v 1800mAh capacity, close to double the capacity of the standard battery accompanied with an extended battery door.</p> <p>COMPATIBILITY</p> <p>BlackBerry 8800 BlackBerry 8800c BlackBerry 8800r</p> <p>Blackberry 8820 BlackBerry 8830"</p>

(hereinafter collectively referred to as the "Purported BLACKBERRY Batteries").

33. Defendants copy the BLACKBERRY Trademarks and Trade Dress on the Infringing Websites to mislead customers into purchasing the Purported BLACKBERRY Batteries.

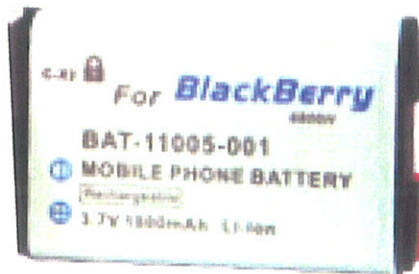
34. Defendants did not believe or have reasonable grounds to believe that the use of RIM's BLACKBERRY Trademarks and Trade Dress on the Purported BLACKBERRY Batteries and the Infringing Websites constituted a fair or otherwise lawful use.

35. All products on the AMZER website are sold through FOMMY.COM. RIM's representatives purchased "Blackberry® 8800 Battery with ASP™ Technology" batteries from BLACKBERRYKING.COM and FOMMY.COM. RIM's representatives purchased the "BlackBerry 8800 Extended Battery 1800mAh with Battery Door – Silver" from FOMMY.COM.

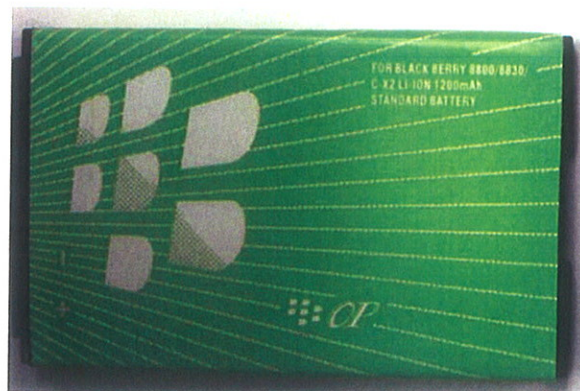
36. RIM determined through an examination of the packaging, labeling, and artwork that the Purported BLACKBERRY Batteries purchased from BLACKBERRYKING.COM and FOMMY.COM are counterfeit and infringe and dilute RIM's BLACKBERRY Trademarks and Trade Dress.

37. RIM confirmed through physical testing that the Purported BLACKBERRY Batteries are not genuine RIM batteries and in fact lack several critical safety features contained in all genuine RIM batteries. The lack of these safety features results in potential hazards including explosions, fire, or leakage of contents including toxic substances.

38. The FOMMY/AMZER BLACKBERRY 8800 BATTERY WITH ASP TECHNOLOGY is not a genuine RIM battery yet it is labeled "FOR BLACK BERRY," has the RIM C-X2 designation on the top left, the RIM lock icon and the RIM model designation "BAT-11005-011" imprinted thereon. A true and correct copy of the battery is:



39. The FOMMY/AMZER BLACKBERRY 8800 BATTERY WITH ASP TECHNOLOGY is labeled on the back "Research In Motion Limited," has the RIM Logo imprinted on it, and states thereon that the battery is "FOR BLACKBERRY." A true and correct copy of the battery is:



40. The *FOMMY/AMZER BLACKBERRY 8800 BATTERY WITH ASP TECHNOLOGY* battery uses the BLACKBERRY Trade Dress. Among other things, it is a rectangular battery featuring a label having:

- the rayed background comprised of thick and thin lines, wherein the thick lines are of a uniform dark shade of green and the thin lines are of a uniform light shade of green;
- the lines on the infringing battery appearing to originate at a common nucleus off the left side of the battery and diverge across the battery from left to right in an expanding sunburst-style pattern;
- the RIM Logo on the left side of the battery shaded;
- a similar mark comprised of the RIM Logo followed by a minor substitution of the word “OP” in place of “BlackBerry” in the bottom right of the battery;
- the “C-X2” code is referenced on the top right-hand side, along with some additional language stating that the battery is “For Blackberry.”

A view of the RIM and Defendants’ batteries side by side makes the point:

*COUNTERFEIT “BBB8800” BLACKBERRY
BATTERY*

*ORIGINAL 8800 SERIES BLACKBERRY
BATTERY*



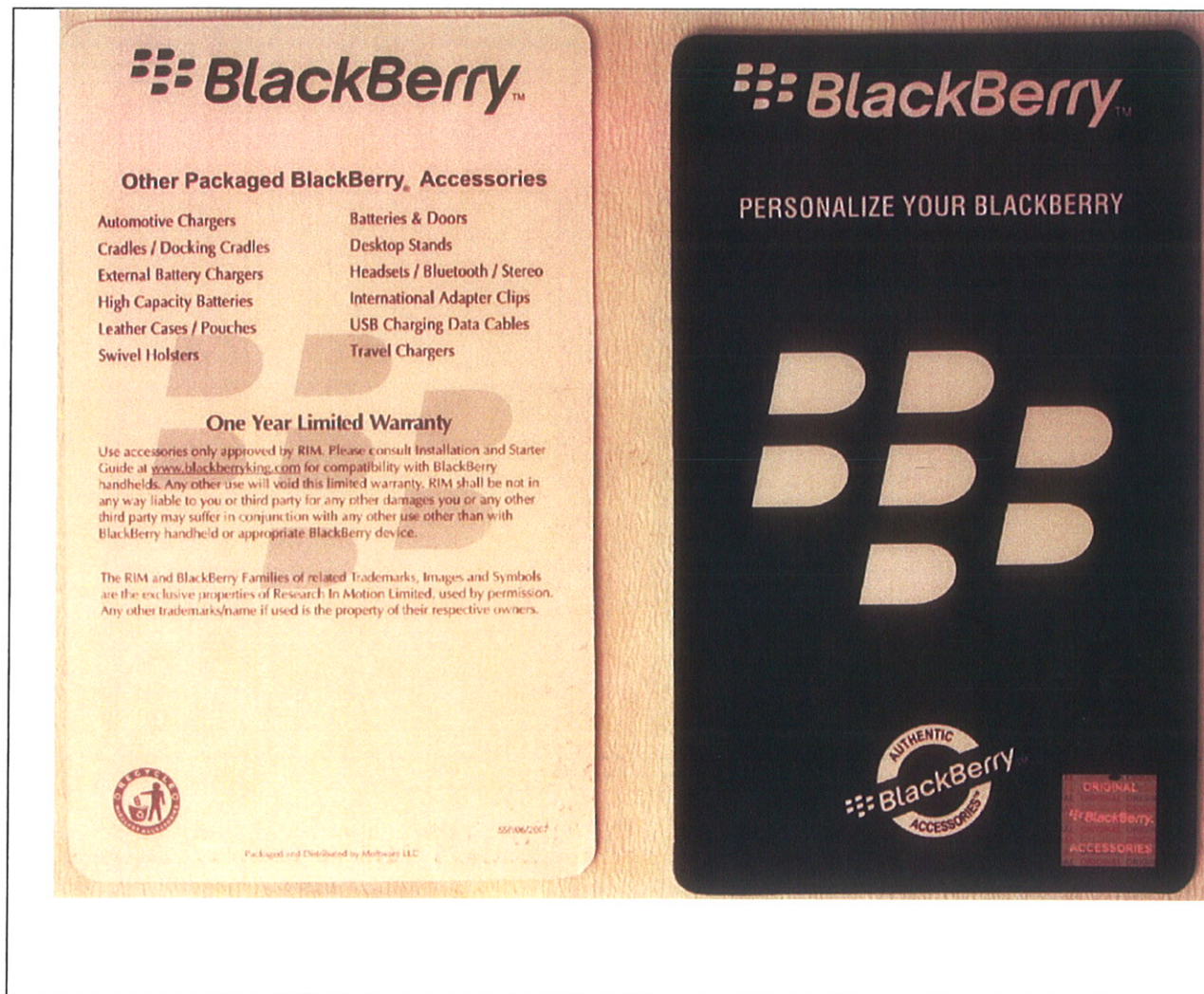
41. Defendants, without authorization or license from RIM, have knowingly and willfully used, reproduced and/or copied RIM's BLACKBERRY Trademarks, Trade Dress, and products in connection with distributing, selling and offering to sell hazardous batteries in interstate commerce which are counterfeit, infringing, and diluting copies of RIM BLACKBERRY batteries.

42. Among the items offered for sale on the Infringing Websites are the following batteries that are sold in packaging that uses without permission BLACKBERRY Trademarks and the BLACKBERRY Alliance Member Trademark:

INFRINGING WEBSITE	<i>BATTERY MODEL</i>
www.fommy.com www.blackberryking.com www.mycellworld.com	Li-Ion Replacement Battery for BB 7200, 7500, 7700 Replacement Battery for BB 6500/7500 RIM (OEM) Removable battery for BB 8300 series. RIM (OEM) Removable battery for BB 8300 series RIM (OEM) Removable battery for BB 8100 series RIM BB 7100 /8700 removable battery RIM (OEM) Removable battery for BB 8100 series RIM (OEM) Removable battery for BB 8100 series RIM BB 8700 Extended Battery with Door Replacement Battery for BB 6500/7500 RIM (OEM) Li-Ion Battery for BB 7100 Series Replacement Battery for Blackberry 6500/7500 RIM BB 7100/8700 Removable Battery RIM (OEM) C-X2 Standard Battery for BB 8800 series

(hereinafter collectively referred to herein as the "Packaged Batteries").

43. Among other things, the unauthorized packaging of the Packaged Batteries uses BlackBerry Trademarks, including “BlackBerry,” the “RIM LOGO,” “Research In Motion Limited,” and the BLACKBERRY Alliance Member Trademark (hereinafter the packaging is referred to as the “Infringing Packaging.” A true and correct copy of the “Infringing Packaging” is:



44. Defendants, without authorization or license from RIM, have knowingly and willfully used, reproduced and/or copied RIM’s BLACKBERRY Trademarks in connection with distributing, selling and offering to sell batteries in the Infringing Packaging in interstate commerce.

45. Defendants' conduct is likely to cause confusion in the marketplace as to the source of the goods, deceive the public, and harm and dilute the RIM BLACKBERRY Trademarks and Trade Dress.

46. The Purported BLACKBERRY Batteries are not genuine RIM products. RIM did not manufacture, inspect or package them and did not approve them for sale and/or distribution. Upon information and belief, and particularly based at least on the character of the packaging, the poor quality of the labeling and artwork, it is likely that Defendants either knew their Purported BLACKBERRY Batteries were counterfeit or, at a minimum, were willfully blind to the facts and failed to make diligent inquiry.

47. The Infringing Packaging is not authorized by RIM. RIM did not approve the use of the BLACKBERRY Trademarks on the Infringing Packaging.

48. Defendants are not affiliated with or sponsored by RIM and have not been authorized by RIM to sell the batteries at issue, to use with them any RIM BLACKBERRY Trademark or Trade Dress, or to package batteries in the Infringing Packaging.

49. Defendants are trading on and receiving the benefit of the goodwill RIM has established in its BLACKBERRY Trademarks and Trade Dress with considerable labor and expense over many years, and to gain acceptance of their goods and services not on their own merit, but on the reputation and goodwill of RIM.

50. Defendants' unauthorized products and sales remove from RIM the ability to control the nature and quality of its goods and places the valuable reputation and goodwill of RIM into the hands of the Defendants, over whom RIM exerts no control.

51. Unless the acts of Defendants are permanently enjoined by this Court, such acts will continue to cause irreparable injury to RIM and to the public for which there is no adequate remedy at law. Upon information and belief, Defendants' acts have been deliberate, willful, intentional and in bad faith, with full knowledge and in conscious disregard of RIM's rights in the BlackBerry Trademarks and Trade Dress and with an intent to trade on the goodwill RIM has established in the BLACKBERRY Trademarks and Trade Dress.

DEFENDANTS' INFRINGING DOMAIN NAMES

52. DEFENDANTS have sought improperly to profit from Plaintiff's substantial investment in its trademark and reputation by incorporating, in whole and in part, the registered RIM "BlackBerry" trademark (see Registration Nos. 2402763, 2678454, 2672464, 2700671, 2844340) into multiple domain names (including the Infringing Domains described above) and using those to misdirect Internet traffic to Defendants' competitive Infringing Websites. Thus, Defendants seek simultaneously to trade off of the goodwill RIM has built in the "BlackBerry" mark, and to reduce the value of that goodwill by improperly associating the RIM "BlackBerry" name with goods and services from unrelated sources. As a result of Defendants' actions, the value of the "BlackBerry" mark has been diminished, and consumers have been misled and confused.

53. Upon information and belief, on or about May 23, 2006, MOFTWARE registered the <www.blackberryking.com > domain name with Domain875.com, a registrar of Internet domain names.

54. Upon information and belief, on or about January 26, 2004, MOFTWARE registered the <www.blackberrystuff.com > domain name with Domain875.com.

55. Upon information and belief, on or about July 7, 2006, MOFTWARE registered the <www.123blackberry.com > domain name with Domain875.com.

56. Upon information and belief, on or about May 23, 2006, MOFTWARE registered the <www.blackberryaccessories.biz > domain name with Domain875.com.

57. Upon information and belief, on or about May 23, 2006, MOFTWARE registered the <www.blackberryaccessories.info > domain name with Domain875.com.

58. Upon information and belief, on or about October 25, 2007, MOFTWARE registered the <www.blackberryalive.com > domain name with Domain875.com.

59. Upon information and belief, on or about October 25, 2007, MOFTWARE registered the <www.blackberrycharger.com > domain name with Domain875.com.

60. Upon information and belief, on or about May 23, 2006, MOFTWARE registered the <www.blackberrycradle.com > domain name with Domain875.com.

61. Upon information and belief, on or about May 2, 2007, MOFTWARE registered the <www.blackberrydistributor.com > domain name with Domain875.com.

62. Upon information and belief, on or about May 2, 2007, MOFTWARE registered the <www.blackberryreseller.com > domain name with Domain875.com.

63. Upon information and belief, on or about February 6, 2007, MOFTWARE registered the <www.blackberrysoftwares.com > domain name with Domain875.com.

64. Upon information and belief, on or about October 18, 2007, MOFTWARE registered the <www.blackberrysources.com > domain name with Domain875.com.

65. Upon information and belief, on or about May 3, 2006, MOFTWARE registered the <www.blackberrystreet.com > domain name with Domain875.com.

66. Upon information and belief, the Defendants are related parties that have acted and are continuing to act in concert to register the Infringing Domains and to use them in connection with the operation of the Infringing Websites and to manufacture and distribute the Purported BLACKBERRY Batteries.

67. Defendants' Infringing Domains and the Infringing Websites illegally use RIM's BLACKBERRY Trademarks and/or confusingly similar variations thereof. The only difference between the registered RIM "BlackBerry" trademark and Defendants' Infringing Domains are the addition of the generic, descriptive terms "123," "accessories," "alive," "charger," "cradle," "distributor," "king," "reseller," "softwares," "sources," "street," and "stuff" in order to create the false impression that Defendants are either a subsidiary, affiliate, or otherwise authorized distributor or seller of RIM batteries. Moreover, the domain names <blackberryking.com> and <blackberrystuff.com> in particular point to respective websites that inappropriately and impermissibly use the BLACKBERRY Trademarks and Trade Dress to misdirect Internet traffic to the Purported BlackBerry Batteries. In addition, the domain name <blackberrystuff.com> uses BLACKBERRY Trademarks with the identification "Official BlackBerry Gear" to falsely imply that the website is selling BLACKBERRY branded products that have been officially approved and authorized by RIM. Furthermore, the domain name <blackberryking.com> impermissibly uses the BLACKBERRY Alliance Member Trademark, falsely implying to the public that the website, the vendor, and the products listed thereon have been authorized by RIM as a vendor who has met the standards and certifications required by RIM in order to use the BLACKBERRY Alliance Member Trademark.

68. Defendants registered the Infringing Domains with the bad faith intent to profit from RIM's "BlackBerry" trademark.

69. Defendants have no trademark or other intellectual property rights in the Infringing Domains.

70. Defendants made no prior use (to that of RIM's use) of the Infringing Domains in connection with the bona fide offering of any goods or services.

71. Defendants intended to divert customers from RIM's official BLACKBERRY websites (www.blackberry.com) and its online retail store (www.shopblackberry.com), to sites accessible under the Infringing Domain Names in a manner that harms the goodwill represented by RIM's "BlackBerry" trademark. Defendants did not believe or have reasonable grounds to believe that the use of the Infringing Domains was a fair use or otherwise lawful.

FIRST CAUSE OF ACTION:
Federal Trademark Counterfeiting

72. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

73. In violation of 15 U.S.C. § 1114, Defendants used in commerce, without RIM's consent, either a reproduction, counterfeit, copy or colorable imitation of the BLACKBERRY Trademarks in connection with the sale, offering for sale, distribution, or advertising of counterfeit batteries that is likely to cause confusion, or to cause mistake or to deceive.

74. The acts of Defendants complained of herein constitute trademark counterfeiting.

SECOND CAUSE OF ACTION:
Federal Trademark Infringement

75. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

76. The acts of Defendants complained of herein constitute trademark infringement in violation of 15 U.S.C. § 1114.

THIRD CAUSE OF ACTION:
Federal False Description And False Designation Of Origin In Commerce

77. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

78. In violation of 15 U.S.C. § 1125, Defendants used a word, term, name, symbol, or device, or a combination thereof, or a false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which was or is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with RIM or as to the origin, sponsorship, or approval of the Purported BLACKBERRY Batteries by RIM.

79. The acts of Defendants complained of herein constitute false description and false designation.

FOURTH CAUSE OF ACTION
Federal False Advertising

80. In violation of 15 U.S.C. § 1125, Defendants used a word, term, name, symbol, or device, or a combination thereof, or a false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or origin of Defendants products.

81. The acts of Defendants complained of herein constitute false advertising.

FIFTH CAUSE OF ACTION:
Federal Trade Dress Infringement

82. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

83. In violation of 15 U.S.C. § 1125(a), Defendants use the BLACKBERRY Trade Dress to misrepresent the nature, characteristics, qualities, or origin of their products, in a way that is likely to cause confusion, or to cause mistake, or to deceive.

84. The acts of Defendants complained of herein constitute trade dress infringement.

SIXTH CAUSE OF ACTION:
Federal Trademark Dilution

85. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

86. RIM's BLACKBERRY Trademarks are famous and distinctive within the meaning of 15 U.S.C. § 1125(c).

87. Defendants began to sell their products at issue after RIM's BLACKBERRY Trademarks became famous.

88. Defendants have diluted and are likely to dilute RIM's BLACKBERRY Trademarks.

89. The acts of Defendants complained of herein constitute trademark dilution.

SEVENTH CAUSE OF ACTION:
Federal Trade Dress Dilution

90. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

91. RIM's BLACKBERRY Trade Dress is famous and distinctive within the meaning of 15 U.S.C. § 1125(c).

92. Defendants began to sell their products at issue after RIM's BLACKBERRY Trade Dress became famous.

93. Defendants have diluted and are likely to dilute RIM's BLACKBERRY Trade Dress.

94. The acts of Defendants complained of herein constitute trademark dilution.

EIGHTH CAUSE OF ACTION:
New York Dilution Of Trademark And Injury To Business Reputation

95. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

96. RIM's BLACKBERRY Trademarks are distinctive within the meaning of New York General Business Law § 360-l.

97. Defendants have injured and are likely to injure RIM's business reputation and/or Defendants have diluted and are likely to dilute the distinctive quality of a mark or trade name owned by RIM.

98. The acts of Defendants complained of herein constitute dilution of RIM's BLACKBERRY Trademarks and injury to RIM's business reputation.

NINTH CAUSE OF ACTION:
New York Dilution Of Trade Dress

99. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

100. RIM's BLACKBERRY Trade Dress is distinctive within the meaning of New York General Business Law § 360-l.

101. Defendants have injured and are likely to injure RIM's business reputation and/or Defendants have diluted and are likely to dilute the distinctive quality of a mark or trade name owned by RIM.

102. The acts of Defendants complained of herein constitute dilution of RIM's BLACKBERRY Trade Dress.

TENTH CAUSE OF ACTION:
New York Deceptive Trade Practices

103. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

104. In violation of New York General Business Law § 349, Defendants are selling, offering for sale and/or distributing their own products unlawfully bearing the BLACKBERRY Trademarks and Trade Dress.

105. The acts of Defendants complained of herein constitute deceptive trade practices.

ELEVENTH CAUSE OF ACTION:
Common Law Unfair Competition

106. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

107. In violation of the common law of the state of New York and elsewhere, Defendants have unfairly competed with RIM.

TWELFTH CAUSE OF ACTION:
Unjust Enrichment

108. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

109. By reason of Defendants' above-described unlawful activities, RIM has sustained injury, damage and loss and Defendants have been unjustly enriched.

THIRTEENTH CAUSE OF ACTION:
Cybersquatting

110. RIM repeats and realleges each and every paragraph set forth above as if fully set forth herein.

111. In violation of 15 U.S.C. § 1125(d), Defendants have registered, trafficked in, and/or used a domain name that is identical, confusingly similar to and/or dilutive of RIM's

registered “BlackBerry” Trademark, which was distinctive and/or unique at the time of registration of the Infringing Domains, and at all other times relevant herein, pursuant to 15 U.S.C. § 1125.

112. Upon information and belief, Defendants have had, and continue to have, a bad faith intent to profit from RIM’s “BlackBerry” Trademark or confusingly similar variations thereof, which is protected as a distinctive mark under 15 U.S.C. § 1125. Specifically, Defendants registered the Infringing Domains without the prior knowledge, permission, or consent of RIM.

113. As a direct and proximate result of such conduct, RIM has suffered, and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.

114. The acts of Defendants complained of herein constitute trademark cybersquatting.

PRAYER FOR RELIEF

WHEREFORE, RIM prays that:

(a) Defendants, their agents, servants, employees and all persons acting in concert or participating with Defendants, be temporarily, preliminarily and permanently enjoined and restrained from:

- (i) using RIM’s “BlackBerry” trademark or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, symbols, phrases or designs, in commerce or in connection with any business or for any other purpose, including, but not limited to on packaging, websites and in domain names; and
- (ii) registering, owning, leasing, selling, or trafficking in any domain names containing RIM’s “BlackBerry” trademark or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, symbols, phrases or designs;

(ii) using RIM's "BLACKBERRY Alliance Member Trademark" or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, symbols, phrases or designs, in commerce or in connection with any business or for any other purpose, including, but not limited to in packaging, on websites and in domain names;

(iii) using in any manner including without limitation on batteries, packaging, and any other products and on the Infringing Websites the RIM BLACKBERRY Trademarks and Trade Dress, or any trademarks or trade dress confusingly similar thereto, alone or in combination with any word or designs so as to be likely to cause confusion, deception, or mistake in connection with the advertising, offering for sale or sale of any products other than as expressly authorized by RIM in writing;

(iv) passing off, inducing or enabling others to sell or pass off any batteries or other products as a battery or other products produced by or for RIM, which are not RIM's batteries, or not produced under the control and supervision of RIM and approved by RIM for sale;

(v) committing any acts calculated to cause the public to believe that Defendants' products are those sold under the control and supervision of RIM, or sponsored or approved by, or in connection with, or guaranteed by, or produced under the control and supervision of RIM;

(vi) further diluting and infringing RIM BLACKBERRY Trademarks and Trade Dress and damaging RIM's goodwill;

(vii) otherwise unfairly competing with RIM in the sale, offering for sale or distribution of batteries;

(viii) shipping, delivering, distributing, returning or otherwise disposing of, in any manner, the Purported BLACKBERRY Batteries;

(ix) using any reproduction, counterfeit, copy or colorable imitation of any of the RIM BLACKBERRY Trademarks and Trade Dress in connection with the publicity, promotion, sale or advertising of the products manufactured, received, acquired, imported, shipped, purchased, sold, offered for sale or distributed by Defendants;

(x) affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation including words or symbols tending to falsely describe or represent such products as being RIM BLACKBERRY batteries and from offering such goods in commerce;

(xi) destroying any records documenting the manufacture, distribution, sale or receipt of the Purported BLACKBERRY Batteries; and

(xii) assisting, aiding or abetting any other person or business entity to engage in or perform any of the activities referenced in subparagraphs (i) through (ix) above.

(b) the Court award preliminary and permanent injunction requiring Defendants to transfer to RIM or, in the alternative, to cancel the <blackberryking.com>, <blackberrystuff.com>, <123blackberry.com>, <blackberryaccessories.biz>, <blackberryaccessories.info>, <blackberryalive.co.uk>, <blackberryalive.com>, <blackberrycharger.com>, <blackberrycradle.com>, <blackberrydistributor.com>,

<blackberryreseller.com>, <blackberrysoftwares.com>, <blackberrysources.com>,
<blackberrystreet.com> domain names;

(c) the court award preliminary and permanent injunctions requiring the current domain name registrars, DOMAIN875.com, to transfer to RIM or, in the alternative, to cancel the <blackberryking.com>, <blackberrystuff.com>, <123blackberry.com>, <blackberryaccessories.biz>, <blackberryaccessories.info>, <blackberryalive.co.uk>, <blackberryalive.com>, <blackberrycharger.com>, <blackberrycradle.com>, <blackberrydistributor.com>, <blackberryreseller.com>, <blackberrysoftwares.com>, <blackberrysources.com>, <blackberrystreet.com> domain names.

(d) Defendants be required to deliver to RIM any and all products, guarantees, circulars, price lists, labels, signs, prints, packages, wrappers, pouches, receptacles, advertising matter, promotional and other materials in the possession of Defendants or under their control bearing any BLACKBERRY Trademarks and/or Trade Dress, or each of them, alone or in combination with any other words or used in connection with the advertising, offering for sale or sale of products which are not genuine RIM products, or not made under the authorization and control of RIM.

(e) Defendants, within three (3) days after the entry of service on Defendants of an injunction, whether temporary, preliminary or permanent, be ordered to provide RIM with a complete list of individuals or entities (including names, addresses and other contact information) from whom they have purchased and to whom they have distributed and/or sold all products bearing RIM's BLACKBERRY Trademarks and/or Trade Dress.

(f) Defendants be required to deliver to RIM for destruction the entire inventory of the Purported BLACKBERRY Products.

(g) Defendants, within fifteen (15) days after the entry and service on Defendants of an injunction, whether temporary, preliminary, or permanent, be ordered to file with this Court and serve upon RIM a written report under oath setting forth in detail the manner in which each of the Defendants has complied with this injunction.

(h) RIM recover all damages it has sustained as a result of Defendants' activities including but not limited to actual and statutory damages pursuant to the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), and that all said damages be trebled.

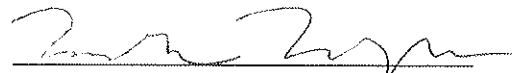
(i) RIM recover exemplary damages.

(j) Defendants account for and pay over to RIM profits realized by Defendants by reason of Defendants' unlawful acts, increased as the Court finds to be just under the circumstances of this case.

(k) RIM be awarded reasonable attorneys' fees, costs of this action, and prejudgment and postjudgment interest.

(l) RIM recover such other relief as this Court deems appropriate.

Respectfully submitted,



Mark N. Mutterperl (MM-1977)
Mary Ann C. Ball (MB-9466)
Chehrazade Chemcham (CC-1572)
FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue
New York, New York 10103
Tel: (212) 318-3000
Fax: (212) 318-3400
*Attorneys for Plaintiff Research in
Motion Limited*

Dated: April 3, 2008

JURY DEMAND

Research In Motion Limited demands trial by jury of all issues so triable.


Mark N. Mutterperl

Exhibit A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 1,982,049

Registered June 25, 1996

TRADEMARK
PRINCIPAL REGISTER

RIM

RESEARCH IN MOTION LIMITED (CANADA
CORPORATION)
180 COLUMBIA ST W, UNIT 1111
WATERLOO, ONTARIO, CANADA N2L 3L3

FOR: COMPUTER SOFTWARE AND HARD-
WARE AND RADIO BASED DEVICES AND
PARTS THEREFORE, USED IN THE FIELDS
OF BUSINESS, SCIENCE, MEDICINE, EDUCA-
TION, DEFENSE, ENTERTAINMENT AND
PERSONAL COMPUTING, FOR USE IN PRO-
VIDING A COMMUNICATIONS GATEWAY TO
FACILITATE THE RECEIPT AND TRANSMIS-

SION OF COMPUTER INFORMATION AND
DATA VIA A WIRELESS REMOTE ACCESS
TO COMPUTER APPLICATIONS AND NET-
WORK ENVIRONMENTS WITH NO REQUIRE-
MENT FOR A DIRECT, REAL-TIME INTER-
FACE TO SUCH NETWORK, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

SER. NO. 74-603,504, FILED 11-28-1994.

G. T. GLYNN, EXAMINING ATTORNEY

Int. Cls.: 9, 38 and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 104 and 107

United States Patent and Trademark Office

Reg. No. 2,822,521

Registered Mar. 16, 2004

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

RIM

RESEARCH IN MOTION LIMITED (ONTARIO CORPORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO, CANADA N2L 3W8

FOR: ELECTRONIC HANDHELD UNITS FOR THE WIRELESS RECEIPT AND/OR TRANSMISSION OF DATA THAT ENABLE THE USER TO KEEP TRACK OF OR MANAGE PERSONAL INFORMATION AND WHICH MAY ALSO HAVE THE CAPACITY TO TRANSMIT AND RECEIVE VOICE COMMUNICATIONS SOFTWARE FOR THE REDIRECTION OF MESSAGES, GLOBAL COMPUTER NETWORK E-MAIL, AND OTHER DATA TO ONE OR MORE ELECTRONIC HANDHELD UNITS FROM A DATA STORE ON OR ASSOCIATED WITH A PERSONAL COMPUTER OR A SERVER; SOFTWARE FOR THE SYNCHRONIZATION OF DATA BETWEEN A REMOTE STATION OR UNIT AND A FIXED OR REMOTE STATION OR UNIT AND SOFTWARE WHICH ENABLES AND PROVIDES ONE-WAY AND TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-0-1991; IN COMMERCE 1-0-1991.

FOR: E-MAIL SERVICE; WIRELESS DATA MESSAGING SERVICES, PARTICULARLY SERVICES THAT ENABLE A USER TO SEND AND/OR RE-

CEIVE MESSAGES THROUGH A WIRELESS DATA NETWORK; ONE-WAY AND TWO-WAY PAGING SERVICES; TRANSMISSION AND RECEPTION OF VOICE COMMUNICATION SERVICES; CONSULTATION ON THE TOPICS OF DEVELOPING AND INTEGRATING ONE-WAY OR TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, AND/OR COMMUNICATIONS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-0-1991; IN COMMERCE 1-0-1991.

FOR: EDUCATIONAL SERVICES, NAMELY, CLASSES, SEMINARS AND CONFERENCES FOR THE PURPOSE OF PROVIDING INFORMATION TO THIRD PARTIES TO ASSIST THEM IN DEVELOPING AND INTEGRATING ONE-WAY OR TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, AND VOICE COMMUNICATIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-0-1991; IN COMMERCE 1-0-1991.

OWNER OF U.S. REG. NO. 1,982,049.

SER. NO. 76-469,783, FILED 11-26-2002.

RONALD AIKENS, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Corrected

Reg. No. 2,036,380

Registered Feb. 11, 1997

OG Date Dec. 2, 1997

TRADEMARK
PRINCIPAL REGISTER

RESEARCH IN MOTION

RESEARCH IN MOTION LIMITED
(CANADA CORPORATION)
180 COLUMBIA ST W, UNIT 1111
WATERLOO ONTARIO, CANADA N2L
3L3

OWNER OF U.S. REG. NO. 1,982,049.

FOR: COMPUTER SOFTWARE AND
COMPUTER HARDWARE AND RADIO
BASED DEVICES AND PARTS THERE-
FORE, USED IN THE FIELDS OF BUSI-
NESS, SCIENCE, MEDICINE ° , ° EDU-
CATION, DEFENSE, ENTERTAINMENT
AND PERSONAL COMPUTING, [FOR

USE IN PROVIDING A COMMUNICA-
TIONS GATEWAY] TO FACILITATE
THE RECEIPT AND TRANSMISSION OF
COMPUTER INFORMATION AND
DATA VIA A WIRELESS REMOTE
ACCESS TO COMPUTER APPLICA-
TIONS AND NETWORK ENVIRON-
MENTS WITH NO REQUIREMENT FOR
A DIRECT, REAL-TIME INTERFACE,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND
38).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

SER. NO. 74-603,503, FILED 11-28-1994.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 2, 1997.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cls.: 9, 38 and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 104 and 107

Reg. No. 2,833,837

United States Patent and Trademark Office

Registered Apr. 20, 2004

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

RESEARCH IN MOTION

RESEARCH IN MOTION LIMITED (CANADA CORPORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO, CANADA N2L 3W8

FOR: ELECTRONIC HANDHELD UNITS FOR THE WIRELESS RECEIPT AND/OR TRANSMISSION OF DATA THAT ENABLE THE USER TO KEEP TRACK OF OR MANAGE PERSONAL INFORMATION AND WHICH MAY ALSO HAVE THE CAPACITY TO TRANSMIT AND RECEIVE VOICE COMMUNICATIONS; SOFTWARE FOR THE REDIRECTION OF MESSAGES, GLOBAL COMPUTER NETWORK E-MAIL, AND OTHER DATA TO ONE OR MORE ELECTRONIC HANDHELD UNITS FROM A DATA STORE ON OR ASSOCIATED WITH A PERSONAL COMPUTER OR A SERVER; SOFTWARE FOR THE SYNCHRONIZATION OF DATA BETWEEN A REMOTE STATION OR UNIT AND A FIXED OR REMOTE STATION OR UNIT AND SOFTWARE WHICH ENABLES AND PROVIDES ONE-WAY AND TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-0-1991; IN COMMERCE 1-0-1991.

FOR: E-MAIL SERVICE; WIRELESS DATA MESSAGING SERVICES, PARTICULARLY SERVICES THAT ENABLE A USER TO SEND AND/OR RE-

CEIVE MESSAGES THROUGH A WIRELESS DATA NETWORK; ONE-WAY AND TWO-WAY PAGING SERVICES; TRANSMISSION AND RECEPTION OF VOICE COMMUNICATION SERVICES; CONSULTATION ON THE TOPICS OF DEVELOPING AND INTEGRATING ONE-WAY OR TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, AND/OR COMMUNICATIONS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-0-1991; IN COMMERCE 1-0-1991.

FOR: EDUCATIONAL SERVICES, NAMELY, CLASSES, SEMINARS AND CONFERENCES FOR THE PURPOSE OF PROVIDING INFORMATION TO THIRD PARTIES TO ASSIST THEM IN DEVELOPING AND INTEGRATING ONE-WAY OR TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, AND VOICE COMMUNICATIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-0-1991; IN COMMERCE 1-0-1991.

OWNER OF U.S. REG. NO. 2,036,380.

SER. NO. 76-469,784, FILED 11-26-2002.

RONALD AIKENS, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

Reg. No. 2,402,763

United States Patent and Trademark Office

Registered Nov. 7, 2000

SERVICE MARK
PRINCIPAL REGISTER

BLACKBERRY

RESEARCH IN MOTION LIMITED (CANADA COR-
PORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO N2L 3W8, CANADA

FOR: E-MAIL SERVICE; WIRELESS DATA MES-
SAGING SERVICES, PARTICULARLY SERVICES
THAT ENABLE A USER TO SEND AND/OR RE-
CEIVE MESSAGES THROUGH A WIRELESS DATA

NETWORK; ONE-WAY AND TWO-WAY PAGING
SERVICES, IN CLASS 38 (U.S. CLS. 100, 101 AND
104).

FIRST USE 7-14-1998; IN COMMERCE 1-19-1999.

SN 75-626,990, FILED 1-25-1999.

KEVON CHISOLM, EXAMINING ATTORNEY

Int. CL: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,678,454

United States Patent and Trademark Office

Registered Jan. 21, 2003

TRADEMARK
PRINCIPAL REGISTER

BLACKBERRY

RESEARCH IN MOTION LIMITED (CANADA
CORPORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO, CANADA N2L 3W8

SOFTWARE FOR THE SYNCHRONIZATION OF
DATA BETWEEN A REMOTE STATION OR UNIT
AND A FIXED OR REMOTE STATION OR UNIT, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: ELECTRONIC HANDHELD UNITS FOR
THE WIRELESS RECEIPT AND/OR TRANSMIS-
SION OF DATA THAT ENABLE THE USER TO
KEEP TRACK OF OR MANAGE PERSONAL IN-
FORMATION; SOFTWARE FOR THE REDIREC-
TION OF MESSAGES, GLOBAL COMPUTER
NETWORK E-MAIL, AND/OR OTHER DATA TO
ONE OR MORE ELECTRONIC HANDHELD UNITS
FROM A DATA STORE ON OR ASSOCIATED WITH
A PERSONAL COMPUTER OR A SERVER; AND

FIRST USE 7-14-1998; IN COMMERCE 1-19-1999.

THE DRAWING IS LINED FOR THE COLOR
MAROON.

SN 75-626,991, FILED 1-25-1999.

KEVON CHISOLM, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,672,464

Registered Jan. 7, 2003

TRADEMARK
PRINCIPAL REGISTER

BLACKBERRY

RESEARCH IN MOTION LIMITED (CANADA
CORPORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO N2L 3W8, CANADA

FOR: ELECTRONIC HANDHELD UNITS FOR
THE WIRELESS RECEIPT AND/OR TRANSMIS-
SION OF DATA, THAT ENABLE THE USER TO
KEEP TRACK OF OR MANAGE PERSONAL IN-
FORMATION; SOFTWARE FOR THE REDIREC-
TION OF MESSAGES, GLOBAL COMPUTER
NETWORK E-MAIL, AND/OR OTHER DATA TO
ONE OR MORE ELECTRONIC HANDHELD UNITS

FROM A DATA STORE ON OR ASSOCIATED WITH
A PERSONAL COMPUTER OR A SERVER; AND
SOFTWARE FOR THE SYNCHRONIZATION OF
DATA BETWEEN A REMOTE STATION OR UNIT
AND A FIXED OR REMOTE STATION OR UNIT, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-14-1998; IN COMMERCE 1-19-1999.

SN 75-612,560, FILED 12-28-1998.

KEVON CHISOLM, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

United States Patent and Trademark Office

Reg. No. 2,700,671

Registered Mar. 25, 2003

SERVICE MARK
PRINCIPAL REGISTER

BLACKBERRY

RESEARCH IN MOTION LIMITED (CANADA
CORPORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO, CANADA N2L 3W8

NETWORK; ONE-WAY AND TWO-WAY PAGING
SERVICES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 7-14-1998; IN COMMERCE 1-19-1999.

FOR: E-MAIL SERVICE; WIRELESS DATA MES-
SAGING SERVICES, PARTICULARLY SERVICES
THAT ENABLE A USER TO SEND AND/OR RE-
CEIVE MESSAGES THROUGH A WIRELESS DATA

SN 75-612,563, FILED 12-28-1998.

KEVON CHISOLM, EXAMINING ATTORNEY

Int. Cls.: 9, 38 and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 104 and 107

Reg. No. 2,844,340

United States Patent and Trademark Office

Registered May 25, 2004

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

BLACKBERRY

RESEARCH IN MOTION LIMITED (CANADA CORPORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO, CANADA N2L 3W8

FOR: ELECTRONIC HANDHELD UNITS FOR THE WIRELESS RECEIPT AND/OR TRANSMISSION OF DATA THAT ENABLE THE USER TO KEEP TRACK OF OR MANAGE PERSONAL INFORMATION AND WHICH MAY ALSO HAVE THE CAPACITY TO TRANSMIT AND RECEIVE VOICE COMMUNICATIONS; SOFTWARE FOR THE REDIRECTION OF MESSAGES, GLOBAL COMPUTER NETWORK E-MAIL, AND OTHER DATA TO ONE OR MORE ELECTRONIC HANDHELD UNITS FROM A DATA STORE ON OR ASSOCIATED WITH A PERSONAL COMPUTER OR A SERVER; SOFTWARE FOR THE SYNCHRONIZATION OF DATA BETWEEN A REMOTE STATION OR UNIT AND A FIXED OR REMOTE STATION OR UNIT AND SOFTWARE WHICH ENABLES AND PROVIDES ONE-WAY AND TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-14-1998; IN COMMERCE 1-19-1999.

FOR: E-MAIL SERVICE; WIRELESS DATA MESSAGING SERVICES, PARTICULARLY SERVICES THAT ENABLE A USER TO SEND AND/OR RECEIVE MESSAGES THROUGH A WIRELESS DATA

NETWORK; ONE-WAY AND TWO-WAY PAGING SERVICES; TRANSMISSION AND RECEPTION OF VOICE COMMUNICATION SERVICES; CONSULTATION ON THE TOPICS OF DEVELOPING AND INTEGRATING ONE-WAY OR TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, AND/OR COMMUNICATIONS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 7-14-1998; IN COMMERCE 1-19-1999.

FOR: EDUCATIONAL SERVICES, NAMELY, CLASSES, SEMINARS AND CONFERENCES FOR THE PURPOSE OF PROVIDING INFORMATION TO THIRD PARTIES TO ASSIST THEM IN DEVELOPING AND INTEGRATING ONE-WAY OR TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, AND VOICE COMMUNICATIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-14-1998; IN COMMERCE 1-19-1999.

OWNER OF U.S. REG. NOS. 2,402,727, 2,402,728, AND 2,402,763.

SER. NO. 76-469,782, FILED 11-26-2002.

RONALD AIKENS, EXAMINING ATTORNEY

Int. Cls.: 9, 38 and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 104 and 107

United States Patent and Trademark Office

Reg. No. 3,102,687

Registered June 13, 2006

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



RESEARCH IN MOTION LIMITED (CANADA CORPORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO, CANADA N2L 3W8

FOR: ELECTRONIC HANDHELD UNITS AND ACCESSORIES THEREFORE, NAMELY, BATTERIES, CASES, BATTERY CHARGERS, HOLSTERS AND ANTENNAS, FOR THE WIRELESS RECEIPT AND/OR TRANSMISSION OF DATA AND WHICH MAY ALSO HAVE THE CAPABILITY TO TRANSMIT AND RECEIVE VOICE COMMUNICATIONS, NAMELY HANDHELD COMPUTERS AND PERSONAL DIGITAL ASSISTANTS; COMPUTER COMMUNICATIONS SOFTWARE FOR THE TRANSMISSION AND/OR RECEPTION OF MESSAGES, GLOBAL COMPUTER NETWORK E-MAIL, AND/OR OTHER DATA BETWEEN ONE OR MORE ELECTRONIC HANDHELD UNITS AND A DATA STORE ON OR ASSOCIATED WITH A PERSONAL COMPUTER OR A SERVER; COMPUTER COMMUNICATION SOFTWARE FOR THE SYNCHRONIZATION OF DATA BETWEEN A REMOTE STATION OR UNIT AND A FIXED OR REMOTE STATION OR UNIT AND SOFTWARE WHICH ENABLES AND PROVIDES ONE-WAY AND/OR TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-23-2004; IN COMMERCE 6-23-2004.

FOR: E-MAIL SERVICE; WIRELESS DATA MESSAGING SERVICES, PARTICULARLY SERVICES THAT ENABLE A USER TO SEND AND/OR RECEIVE MESSAGES THROUGH A WIRELESS DATA NETWORK; ONE-WAY AND TWO-WAY PAGING SERVICES; TRANSMISSION AND RECEPTION OF VOICE COMMUNICATION SERVICES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 6-23-2004; IN COMMERCE 6-23-2004.

FOR: CONSULTING AND EDUCATIONAL SERVICES NAMELY, CLASSES, SEMINARS AND CONFERENCES FOR THE PURPOSE OF PROVIDING INFORMATION TO THIRD PARTIES TO ASSIST THEM IN DEVELOPING AND INTEGRATING ONE WAY OR TWO WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, AND/OR VOICE COMMUNICATIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-23-2004; IN COMMERCE 6-23-2004.

OWNER OF U.S. REG. NOS. 2,402,763, 2,844,340 AND OTHERS.

SER. NO. 76-610,159, FILED 9-3-2004.

MICHAEL KEATING, EXAMINING ATTORNEY

Int. Cls.: 9 and 38

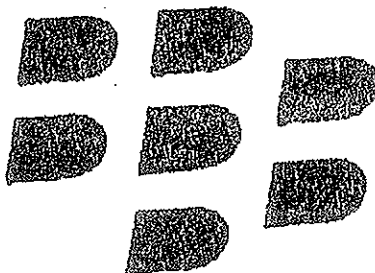
Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 104

United States Patent and Trademark Office

Reg. No. 3,105,797

Registered June 20, 2006

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



RESEARCH IN MOTION LIMITED (CANADA CORPORATION)

295 PHILLIP STREET

WATERLOO, ONTARIO, CANADA N2L 3W8

FOR: ELECTRONIC HANDHELD UNITS AND ACCESSORIES FOR THE WIRELESS RECEIPT AND/OR TRANSMISSION OF DATA AND WHICH MAY ALSO HAVE THE CAPABILITY TO TRANSMIT AND RECEIVE VOICE COMMUNICATIONS, NAMELY HANDHELD COMPUTERS AND PERSONAL DIGITAL ASSISTANTS; COMPUTER COMMUNICATIONS SOFTWARE FOR THE TRANSMISSION AND/OR RECEPTION OF MESSAGES, GLOBAL COMPUTER NETWORK E-MAIL, AND/OR OTHER DATA BETWEEN ONE OR MORE ELECTRONIC HANDHELD UNITS AND A DATA STORE ON OR ASSOCIATED WITH A PERSONAL COMPUTER OR A SERVER; COMPUTER COMMUNICATION SOFTWARE FOR THE SYNCHRONIZATION OF DATA BETWEEN A REMOTE STATION OR UNIT AND A FIXED OR REMOTE STATION OR UNIT AND A HANDHELD UNIT SOFTWARE WHICH ENABLES AND PROVIDES ONE-WAY AND/OR TWO-WAY WIRELESS CONNECTIVITY

TO DATA, INCLUDING CORPORATE DATA, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-23-2004; IN COMMERCE 6-23-2004.

FOR: E-MAIL SERVICE; WIRELESS DATA MESSAGING SERVICES, PARTICULARLY SERVICES THAT ENABLE A USER TO SEND AND/OR RECEIVE MESSAGES THROUGH A WIRELESS DATA NETWORK; ONE-WAY AND TWO-WAY PAGING SERVICES; VOICE TRANSMISSION AND RECEPTION SERVICES VIA TELECOMMUNICATIONS MEANS; TELECOMMUNICATIONS CONSULTING, NAMELY, ASSISTING THIRD PARTIES IN DEVELOPING AND INTEGRATING ONE-WAY OR TWO-WAY WIRELESS CONNECTIVITY TO DATA, INCLUDING CORPORATE DATA, AND/OR VOICE COMMUNICATIONS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 6-23-2004; IN COMMERCE 6-23-2004.

SER. NO. 76-977,899, FILED 9-3-2004.

MICHELLE DUBOIS, EXAMINING ATTORNEY

Int. Cl.: 41

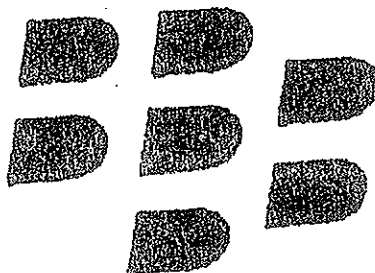
Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,240,231

Registered May 8, 2007

SERVICE MARK
PRINCIPAL REGISTER



RESEARCH IN MOTION LIMITED (CANADA
CORPORATION)
295 PHILLIP STREET
WATERLOO, ONTARIO, CANADA N2L 3W8

FOR: EDUCATIONAL SERVICES, NAMELY
CONDUCTING CLASSES, SEMINARS, CONFEREN-
CES AND WORKSHOPS TO ASSIST THIRD PAR-
TIES IN DEVELOPING AND INTEGRATING ONE-
WAY OR TWO-WAY WIRELESS CONNECTIVITY

TO DATA, INCLUDING CORPORATE DATA, AND/
OR VOICE COMMUNICATIONS, IN CLASS 41 (U.S.
CLS. 100, 101 AND 107).

FIRST USE 6-0-2004; IN COMMERCE 6-0-2004.

SN 76-610,158, FILED 9-3-2004.

MICHELLE DUBOIS, EXAMINING ATTORNEY

Exhibit B

#1 Global Provider of Wireless Products

Do you see moftware charge on your credit card? [Click Here](#)

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- » **About Us**
- » **Company Rules**
- » **Company News**
- » **Management**
- » **Careers**

About Us

Company Overview

Moftware is a multi-national company with operations in North America, Europe, and Asia. The company's four divisions – retail, wholesale & distribution, manufacturing, and services – all focus on providing the best products available in the market today for the wireless sector. This makes Moftware very well positioned towards further growth in the industry and sets us apart from our competitors since no other company has such an infrastructure in place.

The team at Moftware consists of over 100 dedicated employees, who work to ensure that each customer has the best product selection, accurate order fulfillment, and 24/7 customer care and technical support.

Retail

We have a range of diversified online stores specializing in wireless devices and accessories powered by Moftware. Our primary retail channel, **Fommy.com**, The Wireless Superstore, is a one-stop-shop for all the latest wireless products featuring everything from the latest Bluetooth to Software and even top of the line MP3 accessories.

We are also proud to serve all major government & military agencies and over 85% of Fortune 500 companies through our corporate and government sales program. Customized product solutions are delivered daily by our team of knowledgeable experts. In addition, many large government agencies and corporations take advantage of our Corporate Access Program enabling them to order products via specially customized website integrated through their IT infrastructures.

Wholesale & Distribution

Moftwaretech.com provides an unbeatable product selection at competitive industry prices for resellers. Since Moftware has direct relationships with many top manufacturers, bulk purchases often result in low prices, which we pass onto our wholesale customers. We have great turnkey solutions whether you are a retailer, B2B, or VAR.

We are the primary distributor for smartphone devices and accessories today and provide a complete logistics solution including easy re-ordering, drop shipping, and order tracking & management.

Manufacturing

Amzer manufactures wireless accessories and gadgets. We started out by creating a small line of carefully designed products that are full of advanced features with contemporary styling. Over the past couple of years we have seen amazing growth and a fan base has developed for our product line. As a result we continue to forge ahead and develop new and exciting accessories where there is market demand.

Services

Wireless goes beyond just mobile and smartphones. Cosmosatellite.com is a national reseller distributor for HughesNet satellite broadband internet and DirecTV satellite television. Within one year of starting this division we have already reached among the top 3 national distributors. Cosmosatellite.com is our primary brand and we have 4 additional online retail channels operating for HughesNet and DirecTV distribution.

In addition, device sales through our retail and distribution divisions are often accompanied by wireless plans, mobile software, and even enterprise solutions with full technical support. All of this brings us full circle in the wireless sector as a comprehensive solutions provider.

Company History

The beginnings of Mofware are just as unique as the company itself. Founder Pinakin Dinesh always envisioned that people should be able to live, work, and play comfortably with their handheld devices everyday. So in 2002, while still in graduate school, he started GSMLocker out of frustration of having his smartphone being locked to carriers and the inconvenience of traveling with it internationally. From that point the development of the company and growth has spiraled exponentially and come very naturally at the same time.

In 2003 Mofware was incorporated and two online retail stores, BlackBerryStuff and TreoTiger, were introduced for accessories and software. Since then additional niche retail websites have been developed and added to our portfolio as the need came along and when there was growth for a particular product line. The wholesale & distribution, manufacturing, and services divisions in Mofware followed suit accordingly and are a natural expansion of our expertise and reach within the wireless industry.

We believe our websites have caught on and gained a following very simply because we provide the best and most sought-after range of products & services from a variety of manufacturers. These products & services are carefully selected by us to help protect your device (translation: your lifeline) and make your day just a bit easier. New items are added

daily so check back often to see what's new. Our world is wireless and our hope at Moftware is to share with you in the amazing possibility of it all.

International Locations

Moftware UK

Our operations in United Kingdom began in 2005 under the fommy.co.uk retail division and have since grown into additional niche online retail stores. Mobile and smartphone devices along with accessory sales in the UK and European market are strong. We offer customers a unique shopping experience and separate ourselves from other online and brick & mortar retailers in this market by providing a large product selection along with 24/7 customer service from a team that is fully knowledgeable about the wireless industry.

Moftware India

India's wireless market has just started to open up in the last several years and we have already established logistics and offices in order to capture market share. With a population of over 1.2 billion people, mobile and smartphone device sales along with their accessories are just starting to take off. Our strong partnerships with Indian carriers and NASSCOM affiliation put us in a key position to be a leader in the wireless sector in this booming market in the coming years.

Moftware China

Moftware China is an integral part of our existence as a global player in wireless. Operational since early 2004, our presence here has assisted in sourcing and quality control and now is growing and taking additional responsibility as a distribution hub in the Chinese market to support our retail operations in China.

Financial Information

Moftware has seen tremendous growth since inception and from \$58,000 revenue in 2003 we ended 2006 at \$3.3 million. Projected revenue for 2007 is at double of the previous year's earnings. We are a privately held company with financial backing through Wachovia Bank and Encore Bank.

For additional information please contact our Chairman, Ajit Thakur at ajit.thakur@mofware.com.

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